

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATE OF AMERICA, :

A F F I R M A T I O N

- against :

07 Cr. 735 (LAK)

PETER FOREMAN, :

Defendant. :

-----X

I, PETER FOREMAN, hereby declare under penalties of perjury, pursuant to 28 U.S.C. Sec. 1746:

1. I am the defendant in this case. I make this statement in support of a motion to suppress physical evidence seized from me on the date of my arrest, April 21, 2007 . Because this statement is being made for a limited purpose, I do not state each and every detail of what happened.

2. On the evening of April 21, 2007, I was walking on Ryer Avenue in the Bronx. I was in the company of another person.

3. I had a small revolver concealed between two pairs of underwear that I was wearing. The gun was not visible and did not make any bulge.

4. I have read the criminal complaint in this case and know that it states that shortly before my arrest police officers allegedly saw me walking with a “stiff left arm.” I was not walking with a “stiff left arm” at any time that evening. Nor was I doing anything else unusual or illegal.

5. As I walked down Ryer Avenue, a car pulled alongside of me. The car was not marked as a police car and I did not know who the occupants of the car were. Although I do not

remember his exact words, one of the people in the car said something to me and my companion.

6. I did not say anything in response and kept walking. As I kept walking, a number of police officers jumped out of the car. One of the police officers grabbed me and searched me.

He recovered the revolver from my person.

Dated: Brooklyn, New York
September 17, 2007

PETER FOREMAN